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February 16, 2007

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit 1625

Attn: Mail Stop Amendment

Re:

U.S. Utility Patent Application No. 10/586,491

(U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/000617; Int'l Filing Date: January 22,

2005)

Method For Producing 2,5-Dimethylphenyl Acetic Acid For:

Inventor: Thomas HIMMLER

Our Ref: 2400.0650000/JMC/VLC/CMB

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(b);
- 2. Form PTO/SB/08A listing four (4) cited documents;
- 3. Copies of the four (4) cited documents (FP1-FP4);
- 4. Form PTO/SB/08B listing fourteen (14) cited documents;
- 5. Copies of the fourteen (14) cited documents (NPL1-NPL14); and
- 6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Commissioner for Patents February 16, 2007 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Cynthia M. Bouchez Attorney for Applicant

Registration No. 47,438

JMC/VLC/CMB:krh Enclosures

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HIMMLER, Thomas

Appl. No.: 10/586,491(U.S. Nat'l

Phase of Int'l Appl. No.

PCT/EP2005/000617)

Int'l Filing Date: January 22, 2005

For: Method For Producing 2,5-Dimethylphenyl

Acetic Acid

Art Unit:

1625

Examiner:

To be Assigned

Atty. Docket: 2400.0650000/JMC/CMB

## **Information Disclosure Statement** Filing under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Information Disclosure Statement Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents FP1 to FP4 and NPL1 to NPL14 are submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document FP4, cited on Form PTO/SB/08A, and documents NPL6 and NPL11, cited on Form PTO/SB/08B:

FP4, WO 97/36868 A1, is in the German language. An English language abstract of document FP4 can be found on the face page of the patent.

Document NPL6, Kunckell, F., "Ueber einige halogenisirte Ketone," *Chem. Ber.* 30:577-579, Verlag Chemie (1897), is in the German language. An English language translation of document NPL6 is attached as document NPL7.

Document NPL11, Vejdělek, Z.J., et al., "6-Aminopenicillansäure-Derivate II. Substituierte 6-N-(2-Styryl- Und 6-N-(2-Phenyläthyl-Benzamido)Penicillansäuren," Collect. Czech. Chem. Commun. 29:776, 786-788, 791-794, Nakladatelstvi Ceskoslovenski Akademie Ved (1964), is in the German language. An English language abstract of document NPL11 is attached as document NPL12.

Document **FP2** was cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. The search report is attached as document NPL14 on the IDS Form, PTO/SB/08B. 1138 OG 37, 38.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

Thomas HIMMLER Appl. No. 10/586,491

not be prior art, and/or to prove that this information may not be enabling for the

teachings purportedly offered.

This statement should not be construed as a representation that a search has been

made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on

the on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a

first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the

enclosed IDS Forms, and indicate in the official file wrapper of this patent application

that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee

deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Cynthia M. Bouchez

Attorney for Applicants

Registration No. 47,438

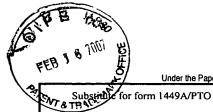
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

of

(Use as many sheets as necessary)

1

Complete if Known				
Application Number	10/586,491(U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/000617)			
Int'l Filing Date	January 22, 2005			
First Named Inventor	HIMMLER, Thomas			
Art Unit	1625			
Examiner Name	To be Assigned			
Attorney Docket Number	2400.0650000/JMC/CMB			

Equivalent of Form PTO/SB/08A (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. PATENT DOCUMENTS						
Cite	Document Number		Name of Patentee or	Pages, Columns, Lines,		
Initials No. Number-Kind Code <sup>2 (If Known)</sup>	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear			
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	Cite No.¹	No.1	Cite Document Number Publication Date	Cite Document Number Publication Date Name of Patentee or		

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Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Té
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
	FP1	EP 0 034 871 A2	09/02/1981	Blasinachim S.P.A.	
	FP2	DE 33 22 459 A1	01/12/1984	The Upjohn Manufacturing Co. M.	ISR
· · · · · · · · · · · · · · · · · · ·	FP3	EP 0 101 124 A1	02/22/1984	Zambon S.p.A.	
	FP4	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft	Abs
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE		Application Number	10/586,491 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/000617)				
				Int'l Filing Date	January 22, 2005		
(Use as many sheets as necessary)		First Named Inventor	HIMMLER, Thomas				
		Art Unit	1625				
_				Examiner Name	To be Assigned		
Sheet	1	of	2	Attorney Docket Number	2400.0650000/JMC/CMB		

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Friedman, L. and Koca, R., "Anomalies in the Acetylation of o- and p-Xylenes," J. Org. Chem. 33:1255-1257, American Chemical Society (1968)	
	NPL2	Giordano, C., et al., "Synthesis of Anti-Inflammatory α-Arylalkanoic Acids by 1,2-Aryl Shift," Agnew Chem. Int. Ed. Engl. 23:413-419, Verlag Chemie (1984)	
	NPL3	Hart, H., et al., "1,4,5,8,9-Pentamethylanthracene. Synthesis and Protonation," <i>Tetrahedron Lett.</i> 52:4639-4642, Pergamon Press (1975)	_
	NPL4	Khurana, J.M. and Maikap, G.C., "Bromomethylation of aromatics mediated by low frequency ultrasound," <i>J. Indian Chem. Soc.</i> 76:216-217, The Indian Chemical Society (1999)	
	NPL5	Kumar, A., et al., "Facile 1,2-Aryl Migration of 2-Halomethyl-2-(4'-Hydroxy-Phenyl) Ketals: A Novel Single Step Synthesis of 4-Hydroxyphenylacetic Acid & Its Derivatives," Syn Commun 27:1133-1141, Marcel Dekker, Inc. (1997)	
	NPL6	Kunckell, F., "Ueber einige halogenisirte Ketone," <i>Chem. Ber. 30</i> :577-579, Verlag Chemie (1897)	Yes
	NPL7	English language translation for Kunckell, F., "Some Halogenated ketones," <i>Chem. Ber. 30</i> :577-579, Verlag Chemie (1897)	
	NPL8	Newman, M.S. and Layton, R.M., "Free-Radical 1:5 Rearrangement of the Trichloromethyl Group," <i>J. Org. Chem.</i> 33:2338-2342, American Chemical Society (1968)	
	NPL9	Smith, L.I. and MacMullen, C.W., "The Reaction between Quinones and Sodium Enolates. IV. Pseudocumoquinone, Sodium Acetoacetic Ester and Sodium Malonic Ester," <i>J. Amer. Chem. Soc.</i> 58:629-635, American Chemical Society (1936)	

Examiner	Date	
Signature	Considered	
515114141	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents. P.O. Box 1450, Alexandria VA 22313-1450. ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORM	AATION	DICC	LOCUEE	Application Number	10/586,491 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/000617)		
INFORMATION DISCLOSURE				Int'l Filing Date	January 22, 2005		
STATEMENT BY APPLICANT (Use as many sheets as necessary)				First Named Inventor	HIMMLER, Thomas		
			s necessary)	Art Unit	1625		
				Examiner Name	To be Assigned		
Sheet	2	of	2	Attorney Docket Number	2400.0650000/JMC/CMB		

Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T <sup>2</sup>
NPL10		
1.1210	Vallejos, J.C., et al., "A new system for the reduction of 4-hydroxymandelic acids," Bull. Soc. Chim. Fr. 134:101-104, Elsevier (1997)	
NPL11	Vejdělek, Z.J., et al., "6-Aminopenicillansäure-Derivate II. Substituierte 6-N-(2-Styryl- Und 6-N-(2-Phenyläthyl-Benzamido)Penicillansäuren," Collect. Czech. Chem. Commun. 29:776, 786-788, 791-794, Nakladatelstvi Ceskoslovenski Akademie Ved (1964)	Abs
NPL12	STNEasy Database, Accession No. 1964:82833, English language abstract for Vejdělek, Z.J., et al., "Derivatives of 6-Aminopenicillanic acid. II. Substituted 2'-styryl and 2'-phenethyl derivatices of 6-benzamidopenicillanic acid," Collect. Czech. Chem. Commun.29: 776, 786-788, 791-794, Nakladatelstvi Ceskoslovenski Akademie Ved (1964)	
NPL13	Zaugg, H.E., et al., "Naphthoquinone Antimalarials. XIV. 2-Hydroxy-3-aryl-1,4-naphthoquinones," J. Amer. Chem. Soc. 70:3224-3228, American Chemical Society (1948)	
NPL14	International Search Report for International Application No. PCT/EP2005/000617, European Patent Office, Netherlands, mailed on July 5, 2005	
	NPL12	NPL11  (2-Styryl- Und 6-N-(2-Phenyläthyl-Benzamido)Penicillansäuren," Collect.  Czech. Chem. Commun. 29:776, 786-788, 791-794, Nakladatelstvi Ceskoslovenski Akademie Ved (1964)  STNEasy Database, Accession No. 1964:82833, English language abstract for Vejdělek, Z.J., et al., "Derivatives of 6-Aminopenicillanic acid. II. Substituted NPL12  2'-styryl and 2'-phenethyl derivatices of 6-benzamidopenicillanic acid," Collect. Czech. Chem. Commun.29: 776, 786-788, 791-794, Nakladatelstvi Ceskoslovenski Akademie Ved (1964)  Zaugg, H.E., et al., "Naphthoquinone Antimalarials. XIV. 2-Hydroxy-3-aryl- 1,4-naphthoquinones," J. Amer. Chem. Soc. 70:3224-3228, American Chemical Society (1948)  International Search Report for International Application No. PCT/EP2005/000617, European Patent Office, Netherlands, mailed on July 5,

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and

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